

REMARKS

The claims submitted herewith have been further amended in order to clearly define over the recently cited prior art. In addition language, suggested by the Examiner in the recent interview courteously granted applicant, has been inserted for further clarification.

The patent to Crisci discloses a relatively small replaceable snap- on bottle cap for gallon milk jugs. The cap per se is formed with a top wall (10) surrounded by a depending skirt (11). The lower edge of the cap skirt is attached to the upper edge of a circular pull ring (13) by frangible connecting elements (14). The pull ring is further provided with an outturned right angular secondary flange (15) extending around a substantial portion thereof to act as a reinforcing member applying additional rigidity and shape retention to the ring. The pull ring functions as a tamper detecting means for dislodging the snap-on cap from a milk bottle while allowing the opened cap to be again replaced after initial opening. Note col.1 lines 29 and 28, "Additionally no indication of tampering with or previous removal and replacement of the caps is provided." Also lines 58 and 59 "to provide a tell-tale indication that the cap has been removed and/or replaced". As clearly seen in Figs. 4 and 5 of Crisci, a pair of score lines extend up across the cap skirt and terminate at the cap top so that tearing terminates at the upper end of the cap skirt and does not extend into the cap top. This construction is what allows the Crisci cap to be reapplied to the bottle.

The newly applied patent to Magnusson, originally cited by applicant, discloses a metal tear off cap applied to bottles and the like for containing fluid under pressure. The cap is formed with a pair of score lines (15,16) that extend up across a cylindrical skirt (11) and into the cap top wall (10). A tab (12) extends away from the cap skirt between the score lines and is secured to a finger ring (13) which can either be disposed extending laterally away from the cap skirt or alternatively be disposed underlying the cap skirt in axially spaced relation thereto.

The patent to Kline discloses a snap- on overcap for application over various drum

dispensing closures. The overcap of primary relevance consists of a cap (70) having a top wall (71) surrounded by a shortened cylindrical skirt (75). An axially elongated removable outer skirt (72) is attached to the shortened cap skirt by a plurality of frangible elements (73). The cap snaps onto an upstanding internally threaded neck with the removable skirt extending to the base of the neck providing a shield against undetected pry off attempts. The obvious deficiency in Kline is the inability to destroy the cap per se upon opening just as in Crisci. In other words, once the skirt is removed and the cap somehow pried off, it can then be snapped back on the neck again and the skirt placed back in position so that visually the container appears unopened. From a security viewpoint this is not completely satisfactory.

Claims 1- 4 and 7 stand rejected as unpatentable over Crisci in view of Magnusson with the Examiner stating one could, without invention, "modify the closure cap of Crisci extending the score lines across the top wall as taught by Magnusson." The weakness in this position, of course, lies in the fact that neither reference discloses or suggests the claimed novel concept of a single- use drum closure overcap which can be easily manually removed by finger gripping a surrounding tamper detecting band and separating the same from an inner cap and than hand grasping the band to enable tearing the cap from the underlying drum closure. As now currently amended claim 1 calls for a "tamper detecting band surrounding a major portion of the height of said cap skirt". In Crisci the tamper detecting band is axially positioned below the cap skirt and attached to the lowermost edge thereof. In Magnusson the finger ring is also disposed beneath the cap skirt and not attached thereto at all. The claim further calls for, "radially protruding gripping means on said band disposed diametrically opposite said tear strip". Both Crisci and Magnusson lack any type of gripping means as specifically claimed. Crisci, as noted above, shows a reinforcing stiffening flange not at all intended for, nor suited for, finger gripping. Claim 1 finally newly recites, "said score lines in said top wall terminating spaced from said gripping means." Since neither Crisci nor Magnusson show or suggest the claimed gripping means, neither reference responds to the specifically recited score line spacing. Claim 1 should be allowed.

Claims 2-4 depend from claim 1 and bring in additional details which further define the

invention. Claims 2- 4 should be allowed along with parent claim 1.

Claim 7 depends from claim 1 and adds, "said first and second edges are substantially coplanar." In Crisci the band lowermost edge lies well below the cap skirt. The finger ring of Magnusson has no edge. Claim 7 should be allowed along with parent claim 1.

Combination claims 8 - 10 ,14 and 15 stand rejected as unpatentable over Crisci in view of Magnusson and further in view of Kline . The Examiner proposes applying a cap resulting from the illogical combined teachings of Crisci and Magnusson as discussed above to the drum closure of Kline. This, of course, is no more than a mere assemblage of somewhat related features with, again, no teaching of the claimed inventive concept. Claim 8, as currently amended, calls for, "a laterally extending container wall" with the cap skirt free edge "lying in close surface to surface proximity to said container wall". This language clearly finds no response in Kline which shows the cap skirt axially displaced from the surrounding container wall. Claim 8 goes on to recite a "tamper detecting band surrounding a major exterior surface portion of the height of said cap skirt". As discussed above, nowhere is this structure found in Crisci or Magnusson. In Kline the surrounding band has absolutely no cap removal function. It serves neither to lift the cap off nor to tear the cap off. Claim 8 should be allowed.

Claim 9 depends from claim 8 and recites, " said first and second free edges are substantially coplanar." None of the cited prior art patents show this relationship. Claim 9 should be allowed along with parent claim 8.

Claim 10 depends from claim 8 and calls for, "said skirt free edge lying in direct contact with said container wall." None of the prior art citations show this relationship. Claim 10 should be allowed along with parent claim 8.

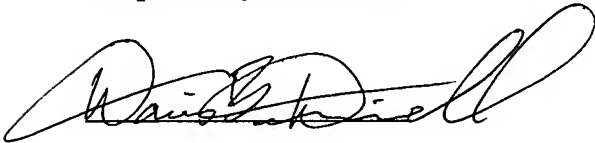
Combination claim 14 is also directed to an overcap and container dispensing closure combination drafted along the lines of claim 8. As currently amended claim 14 recites, "internal closure locking means formed on said overcap" to more clearly differentiate from the bottle cap of Magnusson. The claim also recites the, "band surrounding a major exterior portion of the height of said cap skirt" which clearly defines over the patent to

Crisci. Finally, the claim specifically recites, "circumferentially narrow finger gripping means protruding radially from said band to enable separation of said band from skirt----so the band can be hand grasped". This language finds no response in any of the cited prior art patents. Claim 14 should be allowed.

New claim 15 depends from claim 14 and recites additional score line details. Claim 15 should be allowed along with parent claim 14.

From the foregoing it is clear that neither the pull ring partial tear open cap of Crisci coupled with the metal bottle cap of Magnusson taken alone or further combined with the drum closure overcap of Kline are anticipatory of the instant invention as currently claimed. All claims now remaining should be allowed and the application passed to issue in accordance with the Interview Summary holding that, "The proposed amendments to 1,8 and 14 define over the applied prior art."

Respectfully submitted



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